

First, I want to recognize Timothy Gribben. Tim is the Director of Performance Management at the Small Business Administration, and in this role he developed SBA's quarterly performance review process that is now considered a best practice among other agencies. Because of Tim's commitment to transparent and accessible performance metrics—I know that doesn't get everybody's eyes shiny, but performance metrics is something I am pretty interested in—the American public can now more clearly track the support provided to small businesses from SBA to see where our tax dollars are headed.

Tim has been recognized by the White House's Performance Improvement Council and the American Association of Government Accountants for his leadership.

Next, I want to recognize Christine Heflin. Christine is the Director of Performance Excellence at the Department of Commerce and has established the Performance Excellence Council to bring together performance leaders from across the Department to exchange best practices. Because of Christine's expertise, she is sought by other agencies for advice, and she leads performance management 101 training across the Department to educate staff on the benefits of data-driven decision-making, the use of analytics, and performance improvement techniques.

Finally, I would like to recognize Michelle Silver. Michelle served as the program manager for the Bank Act IT Modernization Program. Under her leadership, the program was able to successfully modernize the Financial Crimes Enforcement Network's IT infrastructure. This significantly improved the ability of law enforcement, regulatory, and intelligence agencies to access and analyze financial data to detect and prevent financial crimes. It is important to note that Michelle's management ensured the modernization program was delivered on time and within budget. Because of people like Michelle and many other hard-working Federal employees at the Department of Treasury, our country's financial system is at least safer now than it was before from emerging threats.

I know performance metrics, data analysis, and IT improvements aren't necessarily the subject of debates every day on the floor of the Senate, but regardless of how we get our country's balance sheet back in order, I believe that will require both additional revenue and entitlement reforms so we don't keep coming back to the small portion of our budget which is discretionary programs. Even with all of that, we still need to make sure we use those dollars in the most effective and efficient process possible.

I hope my colleagues will join me in honoring Mr. Gribben, Ms. Heflin, and Ms. Silver, as well as all government employees at all levels around the country for their commitment to pub-

lic service. Again, I remind all of my colleagues that as we debate budgets and we debate the future of our country, there are literally millions of folks at all levels of public service who go to work every day to make our country safer, to make our country more efficient, and to provide services for those who are in need.

A few minutes earlier today I was with seven DEA agents who had just received the Congressional Badge of Bravery. They had been recently deployed to Afghanistan. These are all people who represent the commitments we fight for on the floor of the Senate.

With that, Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, I ask unanimous consent that at 11:30 a.m. on Wednesday, May 8, the Senate resume consideration of S. 601 and the following amendments be the first amendments in order to the pending Boxer-Vitter substitute amendment No. 799: Coburn amendment No. 804 on ammunition; Coburn amendment No. 805 on Army Corps lands and guns; and Whitehouse amendment No. 803 on oceans; that there be no second-degree amendments in order to any of these amendments prior to votes in relation to the amendments; that the Coburn and Whitehouse amendments be subject to a 60-vote affirmative vote threshold; and that the time until 2 p.m. be equally divided between the two leaders or their designees for debate on their amendments; that Senator COBURN control 40 minutes of the Republican time; that at 2 p.m. the Senate proceed to votes in relation to the Coburn and Whitehouse amendments in the order listed; that there be 2 minutes equally divided in between the votes and all after the first vote be 10-minute votes; further, that upon disposition of the Coburn and Whitehouse amendments, the substitute amendment, as amended, if amended, be agreed to and be considered original text for the purposes of further amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

#### MORNING BUSINESS

Mrs. BOXER. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### WRDA

Mrs. BOXER. Madam President, I wish to take about 2 minutes—and I know Senator BROWN is here to speak—to explain what just happened because a normal person would never follow this, in my opinion. That is just me speaking.

Let me tell my colleagues what we did. Happily, we are moving forward with the first votes on amendments to the WRDA bill—the water resources bill—tomorrow. I have to thank so much Majority Leader REID because he worked very hard on making sure we could figure out a way to move these votes forward. Senator VITTER and I both wanted to see this happen, and we are very pleased.

So what will happen is we will first have a vote on an amendment by Senator COBURN dealing with a study about ammunition. Upon disposition of that amendment, we will move to another Coburn amendment that deals with people being able to carry guns on Corps of Engineers land that has levees and dams on it and so on. We will have debate and a vote on that. Finally, we will have a vote on the Whitehouse amendment which deals with an oceans trust fund. So those three votes will be in order, and following that we believe the Boxer-Vitter amendment will be pending.

I wish to thank everybody for their cooperation in moving forward. I don't understand why and how we would have gun amendments on a water infrastructure bill, but that is just me. This is about water infrastructure. It is about flood control. It is about making sure our ports are deepened so that commerce can flow in and out. It is about water conservation. It is about wetlands conservation and restoration. So I don't quite get why we are voting on guns, but it is the Republicans' desire that the first two votes be on guns, so that is what we are going to do. We will dispose of those.

I can only say to my colleagues, my friends, on both sides of the aisle, could we keep the amendments to the subject at hand? If we could keep the amendments to the subject at hand—I know there is a desire to have votes on lots of issues, but I think we all agree that for the economic well-being of our country, we need an infrastructure that is top-notch. I hate to say it but our infrastructure has been rated as a D-plus. That means our ports are not functioning as they should and our flood control projects are not handling the extreme weather we are facing. We need to get back to work here in regular order.

I know there are people here who think more gun votes is the way to go. That is a very controversial subject. It tears at the heart of the American people in many ways. But so be it. Let the country see what we are dealing with. The first two votes by the Republicans on a water infrastructure bill are about guns. Let the people decide if they think it is appropriate on a water infrastructure bill that deals with flood

control and the adequacy of our ports and our wetlands, and restoration, if that bill should be burdened with amendments about guns. I don't think so. That is how I am talking about it. We will see what happens tomorrow, but at least we have a path forward.

Again, I thank Senator VITTER for working with me today. I thank Senator REID and all of my colleagues for their indulgence. Frankly, I hoped we would have had a few relevant amendments disposed of, but at least we have a path forward together, and I look forward to seeing everybody then.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### WORKERS MEMORIAL DAY

Mr. BROWN. Madam President, this past week we observed in this country Workers Memorial Day—when we pause and remember those Americans who lost their lives on the job.

For generations hard-working people have left their homes every morning or for second or third shift to earn an honest living, to provide for loved ones, to put food on the table. For generations too many would leave for their jobs but return home from work injured or in far too many cases not return home at all; they died operating heavy machinery on late-night shifts; they died working in coal mines; they died building roads and bridges; they died in far too many cases from lack of basic fire safety, ventilation systems, and lighting.

I have shared with my colleagues before that over the years many times I will wear a depiction of a canary in a bird cage on my lapel that reminds me why we honor these workers and why honoring these workers' lives matters. One hundred years ago, a mine worker took the canary down in the mine in a cage. If the canary died from toxic gas or lack of oxygen, the mine worker quickly left the mine, understanding that he had no union strong enough to protect him nor a government that cared enough to protect him.

In those days 100 years ago, when they took the canary in the mine, the life expectancy for a child born in this country was only 45 or 46 years. Today we live three decades longer because we understand everything from Medicare, to civil rights, to Social Security, to workers' compensation, to minimum wage, to prohibition, to child labor, to auto safety, to safe drinking water and clean air laws.

This pin symbolizes people who work hard and play by the rules. We have taken significant steps in this country to keep American workers safe and to provide them with fair wages and benefits. We know more work needs to be done.

Since the National Labor Relations Act and the Fair Labor Standards Act were enacted into law in the 1930s, workers in this country were guaranteed the right to form a union and bargain collectively. They benefited from a minimum wage and from overtime pay.

Today we see vicious attacks on unions and collective bargaining from State legislatures at the behest of their corporate and far-right benefactors. We see obstructionists in this body who block even the most reasonable and clearly necessary nominations to the National Labor Relations Board.

Yes, there is more work to be done. Even as OSHA—the Occupational Safety and Health Administration—works to ensure safe working conditions, job fatality rates have not changed in the last few years. More than 4,600 workers—think about that: 4,600 workers—were killed on the job in 2011. That is more than 10 a day. And 4,600 American workers went to work and didn't come home that night. About 50,000 more died from occupational disease. That is almost 1,000 a week who died because of exposure to chemicals or something that happened to them in the workplace.

Given the progress we have made over the last several decades, nonetheless, Americans live longer and enjoy a better quality of life, but there is more work to be done because too many are still denied fair wages and benefits, and, equally important, too many are still at serious risk of injury or death on the job.

Just days ago, on May 4, two workers in Ohio were killed when part of a crane fell on them at a steel mill construction site in Stark County, OH, in Perry Township. Brian Black, Mark Tovissi, and their families and all the workers of the Faircrest plant deserve better and deserve answers.

So too do workers in McLennan County, TX, where a fertilizer plant exploded recently and was a major story in the national news. That facility in West, TX, had not had a health and safety inspection since 1985. This disaster shows the tragic consequences of not conducting regular workplace inspections.

Fewer American miners died or were injured in 2012 than ever before, but in the first 3 months of 2013, 11 miners were killed in accidents that the Mine Safety and Health Administration called “preventable.”

Stephen Koff, a reporter at the Plain Dealer in Cleveland, documented some of the problems the government has faced—the agency in charge of protecting miners' safety—the problems they have in levying fines against coal mine owners who have violated public safety rules. Yet, in an interconnected, globalized society, we can't turn away from these workplace disasters—not just in our country but overseas. The struggle to ensure that workers are treated with the dignity and respect they deserve is an international, universal, fundamental right.

We have recoiled from the stories of hundreds of garment workers in Bangladesh who died in a factory that collapsed a few weeks ago and others who died in a factory fire last year. Several brand-name retailers contract work in Bangladesh. They have a responsibility, once the label of their retail establishment is sewn into these clothes, whether they own the factory or whether they are an American retailer or an American textile maker that owns the factory or whether they subcontract to others and try to wash their hands of responsibility, they have a responsibility to work with the Bangladesh Government, to work with nongovernmental institutions, and to work with the workers themselves to improve their working environment. Anything less is unacceptable.

The United States has a moral duty to lead by example. We should examine contracts with companies that sell products manufactured by workers who have been denied in these countries—similar to the way they used to be in the United States and occasionally still are—who are denied even basic worker protections.

Let's not forget the American rescue workers who put their own lives in jeopardy to save hundreds of people over the past few weeks in Texas and in the home State of the Presiding Officer, the Commonwealth of Massachusetts. First responders across our country deserve to know that we are doing everything we can to keep them and the people they protect as safe as possible. These are, generally, public employees. They generally carry a union card. While bystanders and others tend to run from disasters, they run toward those disasters.

Let us always remember those whom we have lost over the years. Whether they are public sector or private sector workers, we have lost them due to their labor. On Workers Memorial Day, particularly, remember them, but on every day.

Let us honor those workers who have died by renewing our commitment to protect hard-working American workers who get up, who go to work, who try to provide for themselves and their families.

I yield the floor.

#### MARKETPLACE FAIRNESS ACT

##### TAX ISSUES

Mr. ENZI. Madam President, the Marketplace Fairness Act is about States' rights and giving States the right to decide to collect or not collect taxes that are already owed. Critics have claimed that we are creating a new Internet sales tax, that businesses would have to remit sales taxes to 9,600 different tax jurisdictions, and that today's software simply isn't capable of helping businesses collect sales tax.

Nothing could be farther from the truth. On the issue of creating a new tax or imposing new taxes, we made it clear in section 3(d) of the legislation